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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JESSIHA LANCASTER,

11 Plaintiff,

12 v.

13 HAROLD CLARK, *et al.*

14 Defendants.

Case No. 07-5251 RJBKLS

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

15 Before the Court is Plaintiff's motion for appointment of counsel. (Dkt. # 76). Having
16 reviewed the motion, Defendants' response (Dkt. # 77), and balance of the record, the Court finds
17 for the reasons stated below that Plaintiff's motion should be denied.

18 **I. DISCUSSION**

19 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
20 Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding
21 *in forma pauperis*, the court may do so only in exceptional circumstances. *Wilborn v. Escalderon*,
22 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984);
23 *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires
24 an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to
25 articulate his claims *pro se* in light of the complexity of the legal issues involved. *Wilborn*, 789
26 F.2d at 1331. Neither of these factors is dispositive and both must be viewed together before
27 reaching a decision on request of counsel under Section 1915(d). *Id.*

28 ORDER - 1

1 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* and has not
2 demonstrated that the issues involved in this case are complex or that he has had any difficulties in
3 expressing them. Plaintiff complains that he is not trained in the law and that he has limited access
4 to a law library. (Dkt. # 76, Attach. 1). However, the difficulties claimed by Plaintiff are of the
5 type which any litigant would have in proceeding pro se, they do not indicate exceptional factors.

6 In addition, Plaintiff has not demonstrated that there is a likelihood of success on the merits
7 of his claims.

8 Accordingly, the Court finds that counsel is not necessary in this case and Plaintiff's motion
9 to appoint counsel (Dkt. # 76) is **DENIED**.

10 The Clerk is directed to send copies of this Order to Plaintiff and counsel for Defendants.

11 DATED this 4th day of December, 2007.

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15 Karen L. Strombom
16 United States Magistrate Judge